

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GERARD *et al.*

Appl. No. 09/438,358

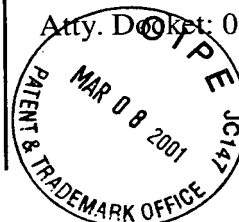
Filed: November 12, 1999

For: **Compositions And Methods For
Recombinational Cloning of
Nucleic Acid Molecules**

Art Unit: 1636

Examiner: Leffers, Jr., G.

Atty. Docket: 0942.4640001/RWE/BJD



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**First Supplemental Information Disclosure Statement
and Fee Under 37 C.F.R. § 1.97(c)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided. The numbering of documents on the accompanying Form PTO-1449 is a continuation of the numbering used in Applicants' Information Disclosure Statement filed in the present matter on September 18, 2000.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following concise explanations of the relevance of the non English-language documents, Doc. Nos. AN4 and AP4, listed on the accompanying Form PTO-1449:

Doc. No. AN4, WIPO/PCT Publication No. WO 98/53056, is in the German language. The relevance of this document to the present application can be ascertained by reference to the English language abstract that appears on the face page of the document, and to the

unverified English language abstract (from Derwent WPI) cited as Doc. No. AT64 on the accompanying Form PTO-1449.

Doc. No. AP4, WIPO/PCT Publication No. WO 99/25851, is in the Japanese language. The relevance of this document to the present application can be ascertained by reference to the English language abstract that appears on the face page of the document, to Doc. No. AM5 (EPO Publication No. EP 1 035 208, which is the corresponding European national phase application), and to the unverified English language abstract (from Derwent WPI) cited as Doc. No. AR65 on the accompanying Form PTO-1449.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material

submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

This First Supplemental Information Disclosure Statement is being filed after the mailing of a first Office Action on the merits, but before the mailing of a final Office Action or a Notice of Allowance. In accordance with 37 C.F.R. § 1.97(c), fee payment of \$180.00 (37 C.F.R. § 1.17(p)) is included in our check no. 30592.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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